

### **REMARKS**

The Office Action mailed October 3, 2005 has been carefully considered. Within the Office Action Claims 1-9 and 11-20 are pending and have been rejected. Reconsideration in view of the following remarks is respectfully requested.

#### **Rejection under U.S.C. § 102**

Claims 1-9 and 11-20 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,034,839 to Hamming (hereinafter Hamming). The Applicants respectfully traverse.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Lack of novelty under 35 U.S.C. 102 requires the identical disclosure, in a single reference, of each element of a claimed invention such as to establish that the identically claimed invention is in the public domain and that such existence would have been recognized by one having ordinary skill in the art. In re Spada, 911 F.2d. 70, 708; 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

#### **Claims 1-8**

Regarding Claim 1, a claim that is cast in means-plus-function format must be interpreted within the guidelines of 35 U.S.C. §112, 6th paragraph. As stated in MPEP section 2182, the application of a prior art reference to a means plus function limitation requires that the prior art element perform the identical function specified in the claim. If a prior art reference teaches identity of function to that specified in the claim, then the Examiner carries the initial burden of proof to show that the prior art structure is the same as or equivalent to the structure, material or

acts described in the specification that should have been identified as corresponding to the claimed means plus function element.

In the present application, Hamming does not even reach the first prong of the test in identifying the function specified in Claim 1. Claim 1 reads among other things, “means for preventing detachment of an end of tape from the hub filler during a tape unloading operation.” Hamming does not disclose a means for preventing detachment of an end of tape of the hub filler during a tape unloading operation. Instead, Hamming discloses that during the unloading operation, the motor 70 operates the hub filler 100, whereby the hub filler 100 moves itself back toward the reel 12. (Hamming, Col. 9, Lines 55-67). In addition, all that Hamming discloses is that a motor drives the reel 12 to prevent slack from forming in the tape when the hub filler 100 moves back to its return position. (Emphasis added). Preventing slack and preventing detachment are not identical functions and one skilled in the art would not gain knowledge that the Hamming device prevents detachment of the end of the tape from the description in Hamming. For at least these reasons, the device in Hamming does not perform the identical function claimed in Claim 1. Accordingly, Claim 1 is allowable over Hamming.

Claims 2-8 are dependent on Claim 1, which is allowable for at least the reasons stated above. Accordingly, Claims 2-8 are allowable for being dependent on an allowable base claim.

#### Claims 9, 11-15

Regarding Claim 9, there is no teaching in Hamming that the motor 70 moves the hub filler 100 to controllably drag on the tape. As stated above, Hamming discloses that the motor 70 operates the hub filler 100 to move the hub filler 100 back toward the reel 12 during the unloading operation. (Hamming, Col. 9, Lines 55-67). Hamming expressly states that during the unloading operation, the reel 12 is operated to prevent slack from forming in the tape while the

hub filler 100 is moving on its return trip. In other words, slack would be formed in the tape in the Hamming device if the reel 12 were not to rotate during the unloading operation.

Considering this, it cannot be said the motor 70 and the hub filler 100 in Hamming are arranged to controllably drag on the tape. Furthermore, it has not been established in the Office Action where it is disclosed in Hamming that the motor 70 and hub filler 100 controllably drag on the tape. For at least these reasons, Hamming does not establish an identical disclosure as claimed in Claim 9. Accordingly, Claim 9 is allowable over Hamming.

Claims 11-15 are dependent on Claim 9, which is allowable for at least the reasons stated above. Accordingly, Claims 11-15 are allowable for being dependent on an allowable base claim.

#### Claims 16-20

Regarding Claim 16, there is no teaching in Hamming of controllably applying tension to the end of the tape in a direction toward the take-up reel. As stated above, Hamming expressly states that during the unloading operation, the reel 12 is operated to prevent slack from forming in the tape while the hub filler 100 is moving on its return trip. (Hamming, Col. 9, Lines 55-67). Therefore, Hamming implies that slack would be formed in the tape if the reel 12 were not to rotate during the unloading operation. Considering this, it cannot be said that Hamming discloses controllably applying tension to the end of the tape in a direction toward the take-up reel. Furthermore, it has not been established in the Office Action where it is disclosed in Hamming that the device controllably applies tension to the end of the tape in a direction toward the take-up reel. For at least these reasons, Hamming does not establish an identical disclosure as claimed in Claim 16. Accordingly, Claim 16 is allowable over Hamming.

Claims 17-20 are dependent on Claim 16, which is allowable for at least the reasons stated above. Accordingly, Claims 17-20 are allowable for being dependent on an allowable base claim.

Conclusion

It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this Response is earnestly solicited.


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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